

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

KAREN VAUGHN,)	
Individually and on behalf of all)	
others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2-04CV-142
)	
AMERICAN HONDA MOTOR CO., INC.,)	
et al.,)	HON. T. JOHN WARD
)	
Defendants.)	
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SHARON MCQUISTON)	
Individually and on behalf of all)	
others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2-06CV-253
)	
AMERICAN HONDA MOTOR CO., INC.,)	
& Honda Motor Co., Ltd.)	HON. T. JOHN WARD
)	
Defendants.)	

ORDER

Defendants have filed a Stipulated Motion to Send Supplemental Notice and Reschedule Fairness Hearing, which explains that, due to an administrative error, Defendant inadvertently left approximately 500,000 of the approximately 6 million class members off the mailing list for dissemination of the Class Notice that the Court directed Defendants to disseminate by March 26, 2007 per its Preliminary Approval Order (Doc. 109). Defendants, with Plaintiffs' consent, propose a series of steps designed to remedy that oversight -- namely,

sending a new notice to the affected class members, setting a new date for those class members to object or opt-out of the class, setting a new date for the submission of final approval briefs, rescheduling the Fairness Hearing, directing the parties to post notice of the rescheduled Fairness Hearing on their respective settlement websites, and directing Defendants to inform the class members who previously filed objections to the proposed Settlement of the new date and time of the hearing.

The Court agrees that this solution to the problem complies with the due process-based obligation to provide class members with “the best notice practicable under the circumstances.” Fed. R. Civ. P. 23(c)(2)(B); *Turner v. Murphy Oil USA, Inc.*, 472 F. Supp. 2d 830, 839 (E.D. La. 2007) (finding adequate settlement notice because “the best notice practicable to individuals under the circumstances was achieved through reasonable effort”). Indeed, the Court takes comfort in the fact that another federal district court adopted the same solution in another class settlement proceeding when it was belatedly discovered that some settlement class members had not received notice due to an administrative error.

See O'Keefe v. Mercedes-Benz USA, LLC, 214 F.R.D. 266, 298 (E.D. Pa. 2003).

IT IS HEREBY ORDERED that:

1. Defendants shall mail Class Notice to the Settlement Class Members who were inadvertently excluded from the mailing list for the previous notice program on or before June 6, 2007. That Class Notice shall be identical in all material respects to the notice previously approved by the Court, except that it shall contain new deadlines for filing Requests for Exclusions and objections and contain the new date and time of the Fairness Hearing;
2. Defendants shall inform those class members who filed objections to the proposed Settlement of the date and time of the rescheduled Fairness Hearing;

3. Plaintiffs and Defendants shall post the date and time of the rescheduled Fairness Hearing on their respective settlement websites (www.odosettlementinfo.com and www.HondaOdometerClassAction.com);

4. The affected Settlement Class Members to whom Defendants send the Class Notice referenced above shall submit their Request for Exclusion or file their objection in the manner discussed in the Preliminary Approval Order by July 6, 2007;

5. The Fairness Hearing previously scheduled for May 30, 2007 is vacated, and rescheduled to August 21, 2007 at 9:30 a.m., and will occur at the Federal Courthouse in Marshall, Texas;

6. The previously scheduled deadline of May 23, 2007 for the settling parties to submit their settlement approval briefs, responses to objections, and related submissions as discussed in the Preliminary Approval Order is vacated and extended to August 10, 2007.

SIGNED this 2nd day of May, 2007.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE